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April 15, 2020

BY ELECTRONIC CASE FILING

The Honorable Pamela K. Chen
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Hernan Lopez and Carlos Martinez*, Case No. 15-cr-252
(Def. Nos. 32-33) (PKC)

Dear Judge Chen:

We represent Defendants Hernan Lopez and Carlos Martinez in the above-captioned case, pending before Your Honor. Through this letter, we move, in the Court's discretion, for an order extending the time within which Mr. Lopez and Mr. Martinez may file a motion seeking a Bill of Particulars. In the interest of efficiency, we jointly move on behalf of both Mr. Lopez and Mr. Martinez. Rule 7(f) of the Federal Rules of Criminal Procedure states that "[t]he defendant may move for a bill of particulars before or within 14 days after arraignment *or at a later time if the court permits.*" Fed. R. Crim. P. 7(f) (emphasis added). The "purpose of a bill of particulars is 'to inform a defendant of charges with sufficient precision to allow preparation of a defense, to avoid unfair surprise, and to preclude double jeopardy.'" *United States v. Barrera*, 950 F. Supp. 2d 461, 477 (E.D.N.Y. 2013) (quoting *United States v. GAF Corp.*, 928 F.2d 1253, 1260 (2d Cir.1991)). Under Rule 7(f), Mr. Martinez's Motion for a Bill of Particulars would be due on April 23, 2020.

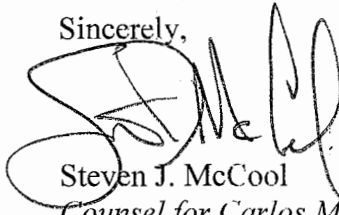
The 53-count Superseding Indictment in this case charges Mr. Lopez and Mr. Martinez and fifteen other defendants with conspiracy to commit wire fraud, conspiracy to commit money laundering, and eleven charges of wire fraud. Mr. Lopez and Mr. Martinez were arraigned on April 9, 2020 and entered a plea of not guilty to all charges. During the arraignment, the Court designated this matter as a complex case. As of the filing of this letter, the government has not yet produced discovery in this matter. Counsel will need time to review the government's discovery, when it is produced, to draft an effective motion for a bill of particulars. Given this, Mr. Lopez and Mr. Martinez request a 45-day extension to June 8, 2020 to file a motion for a bill of particulars.

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On April 15, 2020, Mr. Martinez sought the United States' position on the relief requested herein. Assistant United States Attorney Kristin Mace represented that the United States has no objection to the relief requested herein. This is the first request for an extension of time on behalf of Mr. Lopez and Mr. Martinez.

Wherefore, for the reasons cited herein, it is respectfully requested that the Court grant this application and issue an Order enlarging the time within which Mr. Lopez and Martinez may file a motion seeking a Bill of Particulars from April 23, 2020 to June 8, 2020.

Sincerely,

A handwritten signature in black ink, appearing to read 'SJM', is written over the typed name 'Steven J. McCool'.

Steven J. McCool

Counsel for Carlos Martinez

Matthew D. Umhofer

Counsel for Hernan Lopez

cc: Counsel of record (by ECF)